

**City of Miami Beach - City Commission Meeting**  
**Commission Chambers, 3rd Floor, City Hall**  
**1700 Convention Center Drive**  
**July 2, 2003**

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Mayor David Dermer  
Vice-Mayor Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr.  
Commissioner Saul Gross  
Commissioner Jose Smith  
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

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**ATTENTION ALL LOBBYISTS**

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

- PA1      Scholarship Awards from Center Plate, SMG & GMCVB.
- PA2      Certs. of Apprec./Goodwill Ambassadors, 2003 Memorial Day Holiday Weekend.
- PA3      Recognition of the City of Miami Beach as "2003 All American City Award Winner."
- PA4      **New Item:** Proclamation & Certs. of Apprec./ (7) Representatives & Senator Margolis. (Steinberg)
- PA5      **New Item:** Key to the City/Mayor Luis Oliva Fernandez Prada of Ica, Peru. (Garcia)
  
- C2A      BA 17-02/03, Replacement of Performance Stage & Risers at MBCC, \$115,331.
- C2B      BA 14-02/03, Provide Pest Control & Fertilization Service, \$66,324.
  
- C4A      Ref: Neighborhoods Committee - Neighborhood Conservation Overlay District Concept.
- C4B      Ref: Planning Board - CCC, Civic & Convention Ctr. District Land Devlp't Regulations.
- C4C      Ref: Finance & Citywide Projects Committee - Investment Advisory Service Pilot Program.
- C4D      Ref: Finance & Citywide Projects Committee - Arts Council Funding. (Bower)
- C4E      Ref: Finance & CWP Committee - Biscayne Point Canal Clean Up Funding. (Bower)
- C4F      Ref: Finance & Citywide Projects Committee - Penrod Brothers Referendum.
  
- C6A      Report: Finance & Citywide Projects Committee Meeting of June 17, 2003.
  
- C7A      Execute Amendment, New Water Tanks Construction Services at Public Works Yard.
- C7B      Appropriate Funds, Emergency Repairs to (2) Historic Structures in Altos Del Mar Park.
- C7C      Accept Recomm., Complete the Miami Beach Botanical Garden Improvement Project.
- C7D      Set Public Hearing, Proposed Development Agreement w/ New World Symphony.
- C7E      Set Public Hearing, Lease Agreement w/ Miami Beach Federal Credit Union.
- C7F      Retroactively Authorize Filing an Application for an Emergency Medical Services Grant.
- C7G      Adopt & Appropriate 3<sup>rd</sup> Amendment, Police Confiscation Trust Fund for FY 2002/03.
- C7H      Ratify Contract, Installation of a Fire Sprinkler System in the Byron Carlyle Theater.
- C7I      Ratify Contract, Installation of a Stage & Stage Rigging in the Byron Carlyle Theater.
- C7J      Ratify S.O., Provide for Demolition Services in the Byron Carlyle Theater.

C7K	Execute Interlocal Agmt, Distribution of Charter County Transit System Surtax.
C7L	Execute Amendment, Flagler Memorial Island Shoreline Stabilization Project.
C7M	Grant Easement to FPL, Underground Facilities & Transformer Pad at Normandy Isle Park.
C7N	Approve Placement of (44) Banners, Nascar Championship Weekend (Oct. 30-Nov. 18, 2003).
C7O	Proclaim July 13 through July 19, 2003, as "National Aquatic Week."

**REGULAR AGENDA**

R5A	<b>10:15 a.m. 2<sup>nd</sup> Rdg,</b> Valet Parking Permits for Use on Public Property.
R5B	<b>1<sup>st</sup> Rdg,</b> Provisions to Adult Entertainment Establishments. (Cruz)
R5C	<b>1<sup>st</sup> Rdg,</b> Increase Permit/Inspection Fees, Building/Plumbing/Electrical & Mechanical Work.
R5D	<b>1<sup>st</sup> Rdg,</b> Occupational License, Annual Fire Safety & Certificate of Use Ordinances.
R5E	<b>3:00 p.m. 1<sup>st</sup> Rdg,</b> Increase Annual Fee for Establishing or Maintaining a Sidewalk Cafe.
R5F	<b>1<sup>st</sup> Rdg,</b> Mitigation Requests and the Special Master.
R6A	<b>5:20 p.m.</b> Verbal Report: Neighborhoods Committee Meeting of June 30, 2003.
R7A	<b>Joint,</b> Appropriate Funds, Complete Humidification System at the Bass Museum of Art.
R7B	<b>10:30 a.m.</b> Approve Renaming of Island View Park to "Maurice Gibb Memorial Park." <b>5/7</b>
R7C	<b>10:31 a.m.</b> Approve Establishment of a "Maurice Gibb Pavilion," Memorial Gazebo. <b>5/7</b>
R7D	Ratify Agmt, Benefit Enhancement of the Firefighters' & Police Officers' Pension Funds.
R7E	Execute HOME Program Agmt w/ MBCDC, (24) Rental Units for Income-Eligible Participants.
R7F	<b>10:45 a.m.</b> Accept Recomm. & Select SMG, Mgmt of MBCC, TOPA, & Other Facilities.
R9A	Board and Committee Appointments.
R9B1	<b>1:30 p.m.</b> Dr. Stanley Sutnick Citizen's Forum.
R9B2	<b>5:30 p.m.</b> Dr. Stanley Sutnick Citizen's Forum.
R9C	<b>5:15 p.m.</b> Disc. Status Report on Fire Station No. 4.
R9D	Disc. Reso re: Audit of M-D County Public School Capital Construction Program. (Garcia)
R9E	<b>11:00 a.m.</b> Disc. Washington Square Park. (Bower)
R9F	<b>5:25 p.m.</b> Disc. Reso re: Study & Analysis of the Removal of the 63 <sup>rd</sup> Street Flyover. (Steinberg)
R9G	<b>10:10 a.m.</b> Disc. Status Report on MB's Role in the Upcoming FTAA Ministerial. (Garcia)
R10A	<b>Noon Break,</b> Executive Session: West Side Partners, Ltd., vs. CMB.

## REPORTS AND INFORMATIONAL ITEMS

A      Parking Status Report.  
B      Status Report on Fire Station No. 2.  
C      Report on Federal, State, Miami-Dade County & All Existing Contracts for Renewal.  
D      Public Hearings Before the Planning Board.

**REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.**

2A Report of Itemized Revenues/Expenditures of RDA for Month of May 2003.  
3A **Joint.** Appropriate Funds. Complete Humidification System at the Bass Museum of Art.

Meeting called to order at 9:22:47 a.m.

Pledge of Allegiance led by Chief De Lucca.

Inspirational message given by Reverend Garth Thompson from the Miami Beach Community Church.

**Times based on the digital recording in the City Clerk's Conference Room.**

**Supplemental Materials:** R5C, R5D, R5E (Additional Material), and R7D (Memorandum, Resolution and Agreement),

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PA3 Recognition Of The City Of Miami Beach As A "2003 All America City Award Winner."  
(City Manager's Office)

**ACTION:** Presentation made by Jorge Gonzalez, City Manager.

Mayor Dermer recognized Ramiro Inguanzo, Nannette Rodriguez, Alex Diaz from the City Manager's Office and the rest of the team. He stated that this is a tremendous honor for the City of Miami Beach and is probably the most prestigious civic award that any City can receive.

Jorge Gonzalez, City Manager, stated that the key element of this award was the team effort of staff members, countless volunteers, citizens and business representatives. He explained that the "All America City Award" is a several decades old award that is recognized nationally. The award is sponsored by the National Civic League, which is a very prestigious organization encouraging civic pride, civic participation and good government. The Award is a very exclusive club to be in. Being one of only ten cities achieving the Award is very special. The City is very proud of this accomplishment. Three (3) areas were identified as the most relevant and most important as a community for Miami Beach, which are Neighborhood Services, Capital Improvement Program and how it has been integrated into the communities, and the Truancy Intervention Program. He commended Robert Middaugh, Vivian Guzman, Max Sklar, Maria Ruiz, and Ronnie Singer for their input throughout the process. He recognized Sidney and Faye Goldin for taking the mantle of the Leadership Academy and for coordinating the Alumni Program. The City Manager read into the record the names of the individuals that went on this trip; Greg Anderson, Sandy Bermudez, Sebastian De la Calle, Dianne Downs, Russell Gilbert, Faye Goldin, Carol Hoffman, Carlos Herrera, Margueritte Ramos, Olivia Herrera, Liliam Lopez, Bruce Morris, Jorge Pacheco, Allan Randolph, Michelle Rodriguez, Bruce Singer, Edwin Barbosa, Phillip Cousins, David de la Espriella, Jorge Garcia, Luis Gorfinkel, Sid Goldin, Roberto Guzman, Steve Haas, Margo Herrera, Jerry Libbin, Rhonda McPherson, Felix Munoz, Maggie Pacheco, Andre Rodriguez, and Janie Rouland. He stated that this represents a cross section of the communities' residents, business owners, and members of the Chamber of Commerce are all important elements of the fabric of what is Miami Beach.

Jorge Gonzalez, City Manager, thanked the following sponsors for their contributions: Greater Miami Convention and Visitors Bureau, Miami Beach Chamber of Commerce, SMG, Hazen & Sawyer, Ocean Drive Association, Hispanic Chamber of Commerce, Logistics Management Group, Faye and Sid Goldin, who donated \$500, SWAGO Tee-Shirts who donated all the T-shirts and Pan Fiore who donated food for the rehearsals.

A video of the City's presentation and the selection of the City of Miami Beach as one of the ten "2003 All America City Award Winners" was shown.

Sidney Goldin spoke.

Jerry Libbin spoke.

Carol Hoffman-Guzman spoke.

Certificates of Appreciation were given to Alex Diaz and Nannette Rodriguez from the City Manager's Office.

**NEW ITEM:**

PA4 Proclamation-Key To Be Presented To Representative Ken Sorensen, and Certificates of Appreciation To Be Presented To Representative Gustavo A. Barreiro, Representative Mary Brandenburg, Representative Dan Gelber, Representative Ron L. Greenstein, Senator Gwen Margolis, Representative Julio Robaina and Representative Roger B. Wishner.

**ACTION:** Proclamation and Certificates presented.

Mayor Dermer stated that the Bert Harris issue could have costed the City of Miami Beach upwards of \$25M and the City is very fortunate to have with us today State Senator Gwen Margolis, our great representative Gus Barreiro, and great Representative Dan Gelber. He stated that there is one person that really deserves to be honored today and that is Representative Ken Sorensen, former Mayor of Monroe County, who was very instrumental and a tremendous help, even to his own detriment, with the Bert Harris Bill which benefited all of Florida and especially the City of Miami Beach. He stated that Representative Sorensen exemplifies political courage.

Murray Dubbin, City Attorney, stated that historically the City gives accolades to people who helped the City and then we forget about it. He stated that even with the words of Mayor Dermer, which were right on target, it does not accurately explain the acts of courage and strength it took for Representative Sorensen and our delegation to take the position they took. He explained that dozens of economically and politically powerful groups in Tallahassee opposed the position of the City of Miami Beach and other municipalities of South Florida and because of these reasons Ken Sorensen and our Miami Beach representatives should be remembered for a long time.

Commissioner Steinberg stated that Representative Ken Sorensen could have taken the easy way out and just helped his district, but took the hard way and helped all municipalities in the State of Florida.

Representative Ken Sorensen recognized and thanked State Representative Roger Wishner for his help. He stated that he understands the process and he took the issue to the other side to compromise. He thanked the other representatives for their help and support. He thanked and stated his appreciation to the Commission for the recognition.

9:43:30 a.m.

**NEW ITEM:**

PA5 Key To The City Of Miami Beach To Be Presented To Mayor Luis Fernandez Prada, Mayor Of Ica, Peru Municipalidad De Ica.

**ACTION:** Key presented.

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Steinberg to approve the Consent Agenda; seconded by Commissioner Smith; Voice vote: 7-0.

**C2 - Competitive Bid Reports**

- C2A Request For Approval To Award A Contract To StageRight Corporation In The Amount Of \$115,331, Pursuant To Invitation To Bid No. 17-02/03, Replacement Of The Performance Stage And Risers At The Miami Beach Convention Center.

(Convention Center)

**ACTION:** Award approved. Doug Tober to handle.

**11:12:05 a.m.**

- C2B Request For Approval To Award A Contract To Tower Pest Control, In The Annual Estimated Amount Of \$66,324, Pursuant To Invitation To Bid No. 14-02/03, To Provide Pest Control And Fertilization Service.

(Parks & Recreation)

**ACTION:** Award approved as amended. Kevin Smith to handle.

Amendment: Change contract extension from mutually agreed upon to: at the discretion of the City.

**C4 - Commission Committee Assignments**

- C4A Referral To The Neighborhoods Committee - Presentation And Discussion Of The Neighborhood Conservation Overlay District Concept.

(Planning Department)

**ACTION: Item referred.** Vivian Guzman to place on the agenda. Jorge Gomez to handle.

**11:11:31a.m.**

- C4B Referral To The Planning Board To Review Proposed Amendments To The CCC, Civic And Convention Center District Land Development Regulations.

(Planning Department)

**ACTION:** Item separated for discussion by Commissioner Steinberg. **Referral approved to the Planning Board and to the Transportation and Parking Committee.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 7-0. Jorge Gomez to place on the Planning Board Agenda. Saul Frances to place on the Transportation and Parking Agenda. Jorge Gomez to handle.

Amendment: Referred to the Planning Board and to the Transportation and Parking Committee.

- C4C Referral To The Finance And Citywide Projects Committee - A Discussion Of A Pilot Program For Investment Advisory Service And The Process To Obtain Such Services On An Ongoing Basis.

(Finance Department)

**ACTION: Item referred.** Patricia Walker to place on the agenda and to handle.

- C4D Referral To The Finance And Citywide Projects Committee - Discussion Regarding Funds For The Arts Council.

(Requested By Vice-Mayor Matti Herrera Bower)

**ACTION: Item referred.** Patricia Walker to place on the agenda. Grisette Roque to handle.

- C4E Referral To The Finance And Citywide Projects Committee - Discussion Regarding Biscayne Point Canal Clean Up Funding.

(Requested By Vice-Mayor Matti Herrera Bower)

**ACTION: Item referred.** Patricia Walker to place on the agenda. Fred Beckmann to handle.

- C4F Referral To The Finance And Citywide Projects Committee - Discussion Regarding Penrod Brothers Referendum.

(City Manager's Office)

**ACTION: Item referred.** Patricia Walker to place on the agenda. Christina Cuervo to handle.

### **C6 - Commission Committee Reports**

- C6A Report Of The Finance And Citywide Projects Committee Meeting Of June 17, 2003: **1) New World Symphony;** **2) Discussion Regarding The Julia Tuttle Lighting Project;** And **3) Discussion Regarding Community Benefit Revisions For The Jackie Gleason TOPA.**

**ACTION: Written report submitted.**

#### **1. New World Symphony**

The Committee directed the Administration to proceed with placing the item on the July 2, 2003 Commission Agenda to schedule the public hearing for the First Reading of the Development Agreement. **See item C7D.**

The Committee further directed the Administration to bring back the item to the next scheduled meeting of the Finance and Citywide Projects Committee for a more comprehensive look at the New World Symphony proposed project.

#### **2. Discussion regarding the Julia Tuttle Lighting Project**

The Committee directed the Administration to conduct a study for an amount not to exceed \$25,000 for the development of a concept plan for the Julia Tuttle Lighting Project, encompassing the following issues:

- a) a cost estimate for the construction of the proposed bridge lighting project
- b) a maintenance and operations plan for the operations and upkeep of the proposed bridge lighting project. **Fred Beckmann to handle.**

The Committee further directed the Administration to identify possible sources of funding for the Julia Tuttle Lighting Project. The Committee also requested that the Administration bring back to a future Finance and Citywide Projects Committee Meeting the completed concept plan and listing of possible funding sources. **Fred Beckmann, Patricia Walker, and Mayra Diaz Buttacavoli to handle.**

**3. Discussion regarding Community Benefit Revisions for the Jackie Gleason TOPA**

The Committee directed the Administration to keep the maximum allocation of subsidized tickets to 60 per show and to make seniors and students sign an affidavit confirming their need for the subsidy. **Doug Tober to handle.**

The Committee further instructed the Administration to return to the Finance and Citywide Projects Committee in six months to review whether the fund balance has shown signs of a recovery. **Doug Tober to handle.**

4. Presentation of a summary of Internal Audit Reports issued during Fiscal Years 01/02 through 02/03. Presentation made, no action required.

**C7 - Resolutions**

- C7A A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 13 To The Agreement With Camp, Dresser, And McKee, Inc. (CDM) To Provide Construction Administration Services During The Construction Of Two New Water Tanks And A New Water Pumping Station At The 25th Street Public Works Yard And Approving And Appropriating Funds, In The Amount Of \$277,440, For This Purpose.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2003-25244 adopted.** Patricia Walker to appropriate funds. Tim Hemstreet to handle.

**10:35:59 a.m.**

- C7B A Resolution Appropriating \$100,000 From The Capital Reserve Fund For Design And Construction Of Emergency Repairs To Two Historic Structures In Altos Del Mar Park That Are Currently Leased From The State Of Florida; Said Funds To Be Repaid From General Obligation Bond Funds At Such Time As The Land Title Is Transferred To The City Of Miami Beach.  
(Capital Improvement Projects)

**ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2003-25245 adopted with the provision that the initial phase, to evaluate the two buildings will not exceed 10% of the \$100,000.** Motion made by Commissioner Gross; seconded by Commissioner Garcia; Voice vote: 7-0. Patricia Walker to appropriate the funds.

Commissioner Gross wanted to make sure that the first part of the study is to assess the structural integrity of the building to determine if the building can be saved. If the building cannot be saved, the City needs to be able to sever the contract without penalty.

Tim Hemstreet, CIP Director, stated that the consultant will come back with a report stating what needs to be done with the buildings and the cost, and the cost to renovate the facility to usable office space. He stated that the engineering evaluation cost should be no more than 10% of the \$100,000. The cost is being negotiated now.

Commissioner Smith requested a list of exactly what is being planned for the park so that money allocated for the park is not used to rehabilitate the buildings. He requested that the Commission be informed on how the money is being spent. **Tim Hemstreet to handle.**



Commissioner Garcia requested a list via an LTC of what is exactly going to be done at that park and the cost.

Vice-Mayor Bower stated that the Police Station has water leaks and the City needs to find a way to better maintain City facilities.

Commissioner Gross stated that at the budget reviews the line item pertaining to maintaining public facilities needs to be reviewed. **Patricia Walker to handle.**

- C7C A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 08-02/03, For The Planning, Design, And Construction Administration Services Needed To Complete The Miami Beach Botanical Garden Improvement Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of EDAW, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Wallace Roberts And Todd, Llc; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Further Authorizing The Administration To Negotiate With The Third-Ranked Firm Of Indigo Service Corporation.

(Capital Improvement Projects)

**ACTION: Resolution No. 2003-25246 adopted.** Tim Hemstreet to handle.

**11:46:41 a.m.**

- C7D A Resolution Setting The First Public Hearing, In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, Also Referred To As The Florida Local Government Development Agreement Act, On Wednesday, July 30, 2003 At 10:00 A.M., To Consider Approving, On First Reading, A Proposed Development Agreement Between The City Of Miami Beach And The New World Symphony For The Development Of The Surface Parking Lot, Bounded By 17th Street To The North, Lincoln Lane North To The South, Drexel Avenue To The East And Pennsylvania Avenue To The West, For Construction Of An Approximately 50,000 Square Foot Educational, Performance, And Recording Facility With An Exterior Screen ("Soundspace"), And An Approximately 320-Space (+/-) Public Parking Garage Facility.

(Economic Development)

**ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2003-25247 adopted as amended by expanding the public notice to include both the east and west lots.** Motion made by Commissioner Gross; seconded by Commissioner Garcia; Voice vote: 7-0. First Public Hearing scheduled for July 30, 2003 at 10:00 a.m. R. Parcher to notice. Lilia Cardillo to place on the Agenda. Christina Cuervo to handle.

Commissioner Gross amended the resolution in order to offer the maximum flexibility to expand the public hearing notice to include both the east and west lots.

Commissioner Gross also stated that once the financial terms are approved the City should consider engaging Mr. Gehry for the balance of the site plan. The entire vision should all tie together.

Commissioner Smith stated that when there is a term sheet, some of the comments made at the Finance and Citywide Projects Committee Meeting, specifically some of comments he made regarding the financial requirements, should be incorporate in the term sheet. **Christina Cuervo to handle.**

Commissioner Bower also stated that the compatibility of the buildings needs to be included in the termsheet  
**Christina Cuervo to handle.**

Expanded boundaries: Bounded by 17th Street to the North, North Lincoln Lane ~~North~~ to the South,  
Washington Drexel Avenue to the East and Pennsylvania Avenue to the West.

- C7E A Resolution Setting A Public Hearing On July 30, 2003, To Hear Public Comment Regarding A Lease Agreement With Miami Beach Federal Credit Union, For The Lease Of Approximately 1350 Square Feet Of City-Owned Property Located At 1701 Meridian Avenue, Miami Beach, Florida; Further To Consider Waiver, By 5/7ths Vote, Of The Competitive Bidding And Appraisal Requirements; As Required By Section 82-39 Of The Miami Beach City Code.

(Economic Development)

**ACTION: Resolution No. 2003-25248 adopted.** Public hearing scheduled for July 30, 2003. R. Pacheco to notice. Lilia Cardillo to place on the Agenda. Joe Damien to handle.

City Clerk's note: 15-day notice - advertise Thursday, July 10

- C7F A Resolution Retroactively Authorizing The Filing Of An Application For An Emergency Medical Services Grant, And, If Funded, Authorizing The Budgeting And Expenditure Of EMS County Grant Funds From The Florida Department Of Health, Bureau Of Emergency Medical Services.

(Fire Department)

**ACTION: Resolution No. 2003-25249 adopted.** Chief Jordan to handle.

- C7G A Resolution Adopting And Appropriating The Third Amendment To The Police Confiscation Trust Fund Budget For Fiscal Year 2002/03 In The Amount Of \$45,000, To Be Funded From The Proceeds Of Federal-Justice Confiscated Funds.

(Police Department)

**ACTION: Resolution No. 2003-25250 adopted.** Patricia Walker to appropriate the funds. Chief De Lucca to handle.

**11:01:29 a.m.**

- C7H A Resolution Ratifying A Contract, In The Amount Of \$89,750, With Falcon Fire Protection, Inc., For The Installation Of A Fire Sprinkler System In The Byron Carlyle Theater.

(Public Works)

**ACTION: Item deferred. Lilia Cardillo to place on July 30 agenda. Brad Judd to handle.**

**Discussion relates to C7H, C7I, and C7J.**

Commissioner Gross stated that he would like to see the construction budget and the monies expended before these items are approved. He would like to be assured that there is enough money to complete the project.

Brad Judd, Property Management Director, orally presented the project budget.

Motion made by Commissioner Gross to defer the three items until he sees the budget; seconded by



**11:01:29 a.m.**

- C7I A Resolution Ratifying A Contract In The Amount Of \$134,430, To Sound Concepts, Inc., For The Installation Of A Stage And The Associated Stage Rigging In The Byron Carlyle Theater.  
(Public Works)

**ACTION: Item deferred. See discussion in item C7H.**

**11:01:29 a.m.**

- C7J A Resolution Ratifying Standing Orders In The Total Amount Of \$43,450, To Lango Equipment Service, Inc., To Provide For Demolition Services In The Byron Carlyle Theater.  
(Public Works)

**ACTION: Item deferred. See discussion in item C7H.**

- C7K A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement Between The City Of Miami Beach And Miami-Dade County For The Distribution Of Charter County Transit System Surtax Proceeds Levied By Miami-Dade County And Due To Miami Beach; Similar Interlocal Agreements Will Be Required Annually And Filed With The County No Later Than June 1<sup>st</sup> Of Each Subsequent Year.  
(Public Works)

**ACTION: Resolution No. 2003-25251 adopted.** Fred Beckmann to handle.

- C7L A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No.1 To The Interlocal Agreement By And Between Miami-Dade County And The City, For The Flagler Memorial Island Shoreline Stabilization Project, Extending The Term Of The Agreement For One Year.  
(Public Works)

**ACTION: Resolution No. 2003-25252 adopted.** Fred Beckmann to handle.

- C7M A Resolution Authorizing The Mayor And City Commission To Grant The Attached Non-Exclusive Easement To Florida Power & Light Company (FP&L) For The Provision Of Underground Distribution Facilities And A Transformer Pad At The Normandy Isle Park And Pool Facility; And Authorizing The Mayor And City Clerk To Execute And Record The Easement For The Required Underground Facilities And Transformer Pad.  
(Public Works)

**ACTION: Resolution No. 2003-25253 adopted.** Fred Beckmann to handle.

City Clerk's Note: Easement needs to be recorded.

C7N A Resolution Approving And Authorizing The Placement Of Forty-Four (44) Banners For The Nascar Championship Weekend, To Be Held Thursday, November 13 Through Sunday, November 16, 2003, In The City Of Homestead, As Requested By The Applicant At The Following Locations: Macarthur Causeway, From Coast Guard Station To Alton Road; Alton Road, From 5th Street To 17th Street; Collins Avenue, From 5th Street To 18th Street; 17th Street, From Collins Avenue To Alton Road; 5th Street, From Alton Road To Ocean Drive; Washington Avenue, From Lincoln Road To 5th Street; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Show n On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than October 30, 2003 And Removed No Later Than Tuesday, November 18, 2003.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2003-25254 adopted.** Donna Shaw to handle.

C7O A Resolution Proclaiming July 13 Through July 19, 2003, As "National Aquatic Week" In Recognition And Support Of The National Recreation And Parks Association's Efforts To Promote A Greater Awareness Of The Health, Safety And Life Long Leisure Benefits Of Participating In Aquatics Programs.

(Parks & Recreation)

**ACTION: Resolution No. 2003-25255 adopted.** Kevin Smith to handle.

### **REGULAR AGENDA**

#### **R5 - Ordinances**

**11:30:58 a.m.**

R5A An Ordinance Amending Miami Beach City Code Chapter 18, Entitled "Businesses," By Amending Article VIII, Entitled "Parking Lot," By Amending Division 2, Entitled, "Valet Parking Permits For Use On Public Property"; By Amending Section 18-336 Thereof By Providing For Required "Vote" (Valet Operator Training Enforcement) Training Program; By Amending Division 3, Entitled, "Rentals"; By Amending Section 18-341 Thereof By Providing Additional Code Of Conduct Requirements For Valet Operators And Their Employees; By Amending Section 18-342 By Providing Expanded Ramping Areas Under Certain Circumstances; By Amending Section 18-343 By Providing That Valet Permits For Special Events Shall Be Applied For From The City's Tourism And Cultural Development Director; By Amending Section 18-344 By Amending The Fines And Enforcement Procedures For Violators; And Providing For Repealer, Severability, Codification, And An Effective Date.

**10:15 a.m. Second Reading, Public Hearing.**

(Parking Department)

(First Reading On May 21, 2003)

**ACTION:** Public Hearing held. **Ordinance Number 2003-3418 adopted as amended (see amendments below).** Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Saul Frances to handle.

**Amendments which were accepted by acclamation of the City Commission and voted on with the approval of the ordinance.**

18-344 (b) 1: Illegal Ramping

1. Include language that clarifies violations occurring at the same location or per ramp
2. To eliminate any confusion, combine (a) and (b) of 18-344 (b)(1).

18-344 (b) 2: Illegal Storage

1. Include language that clarifies violations occurring at the same location or per ramp
2. To eliminate any confusion, combine (a) and (b) of 18-344 (b)(2).

**Amendments: Fine amounts: Motion made by Commissioner Gross; seconded by Commissioner Cruz; Ballot vote: 6-1; Opposed; Commissioner Steinberg.**

## Illegal Ramping fines.

First offense: \$150  
Second offense \$150  
Third offense \$150  
Fourth offense \$150  
Fifth offense shall be referred to the Special Master.

## Illegal Storage fines

First offense: \$250  
Second offense \$250  
Third offense \$500  
Fourth offense \$500  
Fifth offense shall be referred to the Special Master.

Saul Frances, Parking Department Director, stated that the fines reported in the Commission Memorandum are correct and the fines listed in the Ordinance are wrong.

Alan Fishman, Transportation and Parking Committee, spoke.

Gary Knight, Transportation and Parking Committee, spoke.

Commissioner Gross stated that the fines appear to be too high.

Commissioner Steinberg responding to Commissioner Gross' statement, asked which valet operators attended the meetings when the fines were discussed?

Saul Frances, Parking Director, stated that five out of the nine companies were in attendance: Associated Parking, Celebrity Parking, Gold Star Parking, Quik Park, and Royal Express. All of the companies were in agreement with the fine schedule.

Commissioner Smith requested that the City Commission be kept informed if the valet operators are using public metered spaces for ramping. **Saul Frances to handle.**

Marlo Courtney, Transportation and Parking Committee, spoke.

David Kelsey spoke.

Commissioner Garcia stated that for the record, Saul Frances is the "best parking director he has ever been associated with; truly."

## Handout or Reference Materials:

1. Notice of Ad in Miami Herald

**5:28:09 p.m.**

R5B An Ordinance Amending Chapter 6, "Alcoholic Beverages," Of The Code Of The City Of Miami Beach, Florida, By Amending Sections 6-40 And 6-41 "Total Nudity And Sexual Conduct Prohibited," And "Provisions Pertaining To Establishments Permitting Partial Or Total Nudity," To Allow Establishments Licensed As Alcoholic Beverage Establishments To Offer Partial And Total Nude Adult Entertainment; Providing For Codification, Repealer, Severability, And An Effective Date.

**First Reading**

(Requested By Commissioner Simon Cruz)

**ACTION: Item referred.** Motion made by Commissioner Gross to refer the item to the Planning Board, for two hearings, with the understanding that the City Commission is in agreement with the serving of alcohol in nudity establishments and the concerns are controlling proliferation, hours of operation, security, and kitchen component, and to refer the Planning Board's recommendation to the Community Affairs Committee; seconded by Vice-Mayor Bower. Ballot vote: 7-0. Jorge Gomez and Mayra Diaz Buttacavoli to place on the Committee agendas. Jorge Gomez to handle.

There was discussion regarding tracking the State's language regarding distant separation.

Gary Held, First Assistant City Attorney, stated that he has spoken with Club Madonna's attorney and they are going to agree to sign a covenant agreeing not to sue and acknowledge the validity of the ordinance on the record.

Morris Sunshine spoke.

Joe Fontana spoke.

Minnette Benson spoke.

David Kelsey spoke.

Bea Kalstein spoke.

Mayor Dermer gave a history of the alcoholic beverage and nudity issue.

Commissioner Gross stated that his concern is with proliferation in ways that are not foreseen at this time. He would like the Planning Board to review and comment on the ordinance with a recommendation that this City Commission does not object to alcoholic beverage and nudity. He stated the issues that need to be discussed: touching issue, lap dancing, signage, hours of operation, distant separation, kitchen, size of the club, and gratuity.

Motion made by Commissioner Gross to refer to the Planning Board; seconded by Commissioner Bower. Discussion continued.

Commissioner Smith questioned the constitutionality of the ordinance and stated that if there are going to be nudity and alcohol clubs they should be elegant, not sleazy.

Discussion continued.

Commissioner Smith stated that one of the criteria is the issue of security. There has to be sufficient security provided to insure that the laws are observed. He also requested to include in the ordinance a provision which states that if the law is violated, willfully or wantonly, you lose the privilege of having this type of establishment. **Jorge Gomez to handle.**

Mr. Leroy Griffin spoke.

**Supplemental Material-Additional Material:**

R5C An Ordinance Amending Chapter 14 Of The City Of Miami Beach Code By Amending Division 2 Thereof Entitled "Permit Fees," And By Amending Appendix A Entitled "Fee Schedule," By Amending Sections 14-61 Through 14-70 Entitled "Division 2. Permit Fees," Providing For An Increase In Permit And Inspection Fees For Building, Plumbing, Electrical And Mechanical Work And For Other Building Department Activities; And Providing For Annual Increases In Such Fees Beginning In Fiscal Year 2004-2005 Based Upon The Consumer Price Index; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**  
(Building Department)

**ACTION: Ordinance approved on First Reading as amended.** Motion made by Commissioner Smith; seconded by Vice-Mayor Bower; Ballot vote: 6-1: Opposed: Commissioner Garcia. Second Reading and Public Hearing scheduled for September 10, 2003. Robert Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Commissioner Gross expressed concern with the Revision fees -plan processing fee, the minimums in the re-inspection fees (page 261 of the Commission Agenda) and the tier small business impact. **Phil Azan to handle.**

Jorge Gonzalez, City Manager, stated that the fee increases are based on a cost allocation study done by the consultant, who calculated how much it costs to provide the service today, and how much the City should be charging to fully recover the costs associated with providing the service. He agrees entirely that the City should be providing on line permitting and this is one of his priorities under the e-government concept.

**Amendment:**

1. Remove the automatic increases.

**Administrative Direction:**

1. Online Internet Permitting
2. Between first and second reading that a workshop with individuals in the industry review the ordinance.



**Supplemental Material-Additional Material:**

R5D Occupational License, Annual Fire Safety And Certificate Of Use Ordinances.

1. An Ordinance Amending Chapter 102 Of The City Code, Entitled "Taxation"; Amending Division IV Therein, Entitled "Tax"; Amending Article V Therein, Entitled "**Occupational License Tax**"; Amending Section 102-379 Therein, Entitled "Schedule Of Taxes"; Said Amendment Providing For An Increase In Fees Charged Annually For Occupational Licenses Of Five Percent (5%) (Rounded To The Nearest Dollar), Effective On October 1, 2003 (Fiscal Year 2003-04); Providing For Another Five Percent (5%) Increase In Said Occupational License Fees, Effective On October 1, 2005 (Fiscal Year 2005-06); Thereafter, Providing For Additional Five Percent (5%) Increases In Said Fees On October 1st Of Every Other Year, Until Such Time As Said Fees Have Caught Up With The Cumulative Change In The Consumer Price Index (CPI) As Of That Date; Further Adding An Annual Fee Category For Adult Entertainment Establishment; And Adding A Classification And An Annual Fee Category For Nightclubs (Or A Version Of Dancehall License, As Defined In The City's Zoning Ordinance); Providing For Repealer, Severability, Codification, And An Effective Date.

**First Reading**

**ACTION: Ordinance approved on First Reading as amended by removing the automatic increases.** Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Ballot vote: 5-2; Opposed: Commissioners Garcia and Gross. Second Reading and Public Hearing scheduled for July 30, 2003. Robert Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to handle.

David Kelsey spoke.

5:23:43 p.m.

2. An Ordinance Amending Chapter 50 Of The City Code, Entitled "Fire Prevention And Protection"; Amending Section 50-5, Entitled "**Annual Fire Prevention And Fire Safety Inspection Permit**"; Amending Subsection 50-5(D) Thereof Entitled "Fees"; Amending Appendix A, As Referred Therein; Said Amendments Providing For An Increase In Fees Charged For Fire Safety Permits Of Fifteen (15%) Percent, Commencing On October 1, 2003 (Fiscal Year 2003-04); Thereafter, Providing For An Annual Increase In Said Fees, Said Increase Effective On October 1st Of The City's Fiscal Year, Equal To The Change In The Consumer Price Index (CPI); Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

**ACTION: Ordinance approved on First Reading as amended by removing the automatic increases.** Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Ballot vote: 6-1; Opposed: Commissioner Garcia. Second Reading and Public Hearing scheduled for July 30, 2003. Robert Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to handle.

3. An Ordinance Amending Chapter 14 Of The City Code, Entitled "Building Regulations"; Amending Division II Therein, Entitled "Permit Fees"; Amending Section 14-426 Therein, Entitled "Annual Facility Permit"; Amending Subsection 14-426(3)(G) Providing For "**Certificate Of Use Fees**"; Amending Appendix A Therein; Said Amendment Providing For An Increase In Said Fees For Certificates Of Use Of Ten Percent (10%), Effective On October 1, 2003 (Fiscal Year 2003-04); Providing For Another Ten Percent (10%) Increase, Effective On October 1, 2004 (Fiscal Year 2004-05); Providing For Another Ten Percent (10%) Increase, Effective On October 1, 2005 (Fiscal Year 2005-06); Providing For An Increase In Said Fees; Effective On October 1, 2006 (Fiscal Year 2006-07), Equal To The Cumulative Change In The Consumer Price Index (CPI) From March 2003, To September 2006; Thereafter, Beginning On October 1, 2007 (Fiscal Year 2007-08), Providing For Annual Fee Increases, Effective As Of The Commencement Of The City's Fiscal Year On October 1st; Said Increases In A Percentage Equal To The Actual Amount Of The Change In The Consumer Price Index (CPI); Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Finance Department)

**ACTION: Ordinance approved on First Reading as amended by removing the automatic increases.** Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Ballot vote: 6-1; Opposed: Commissioner Garcia. Second Reading and Public Hearing scheduled for July 30, 2003. Robert Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to handle.

3:13:57 p.m.

**Supplemental Material-Additional Material:**

- R5E An Ordinance Amending Chapter 82, Entitled "Public Property"; Amending Article IV Therein, Entitled "Uses In Public Rights-Of-Way"; Amending Division V Therein, Entitled "Sidewalk Cafes"; Amending Section 82-383 Therein, Entitled "Tax Renewal Fee; Penalties For Late Payments For Renewal Fee"; Further Amending Appendix A To Section 82-383; Said Amendments Increasing The Annual Fee For Establishing Or Maintaining A Sidewalk Café (As Said Fees Are Set Forth In Appendix A) Based Upon Per Square Foot Of Usable Sidewalk Area, Including The Areas Between Tables And Chairs, To \$12.50 Per Square Foot, Commencing On October 1, 2003 (Fiscal Year 2003-04); Providing For An Increase Of Said Annual Fee To \$15.00 Per Square Foot, Commencing On October 1, 2004 (Fiscal Year 2004-05); And Further Providing That The Annual Increase Of Said Fee For All Subsequent Years, Beginning On October 1, 2005 (Fiscal Year 2005-06), Shall Be Based Upon The City's Annual Cost Of Living Adjustment; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**  
(Finance Department)

**ACTION: Ordinance approved on First Reading as amended.** Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Ballot vote: 6-1; Opposed: Commissioner Garcia. Second Reading and Public Hearing scheduled for July 30, 2003. Robert Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to handle.

Jorge Gonzalez, City Manager, stated that during the budget process a year ago the City Commission directed the Administration to take fee increases outside of the budget process and to have the Finance and Citywide Projects Committee review them and this is the direction received based on the review. He stated that on each of the fees being increased, there is an escalator provision that is tied to the Consumer Price Index or (CPI), which will trigger an automatic review of the fees.

Patricia Walker, Chief Financial Officer, stated that there was a cost and indirect cost study made of the building permit fees and a consultant was brought in to do a comparative study as to where the City should be on building permit fees, also, a cost consultant reviewed the parks and recreation fees and their programs and what the cost of all the programs were so the City could come up with a fee that will recover or at least

may begin to recover all of the costs especially in the parks operations.

She explained that the fees being increased during this process are occupational license, certificate of use, fire inspections, sidewalk café, parks and recreation fees, building permit fees and a fee for fire plans analyses. She further explained that the reason for the fee increase is that the fees have not been adjusted for a number of years, have not been adjusted for inflation and do not reflect the increased cost of personnel or other operational cost therefore the City is not recovering the costs of providing the services and the City needs to recover the cost.

**Two Amendments :**

1. No automatic increases
2. There was a moratorium on the sidewalk café fees for Lincoln Road and North Beach during construction since Washington Avenue is scheduled to go into construction that the same moratorium is extended to Washington Avenue when the construction begins. Commissioner Smith accepted the amendments.

Motion made by Commissioner Smith to approve the recommendation of the Administration with the two amendments; seconded by Commissioner Steinberg; Ballot vote: 6-1; Opposed: Commissioner Garcia.

Commissioner Gross added four items:

1. Automatic increase
2. There was a moratorium on the sidewalk café fees for Lincoln Road and North Beach during construction. Washington Avenue is scheduled to go into construction, and if and when it does, he would like to extend the same courtesy.
3. Asked hat is the cost to the City for providing cleaning and landscaping above the baseline service for the Lincoln Road area in relation to how much it is raising on the sidewalk café fee.
4. The increase phased in over a longer period of time 5 years rather than two (2) years.

Steve Borden spoke.

David Kelsey spoke.

Mark Soyka spoke.

Bob Switkes spoke.

Jeryl (Deede) Weithorn spoke.

Larry Rebot spoke.

Frank Del Vecchio spoke.

Jorge Gonzalez, City Manager stated that the reason the City has not kept up with fee increases is because historically there has never been a policy in place. At the next Commission Meeting the Administration will come back with a resolution establishing a policy for the future to review these fees on a routine manner.

**Patricia Walker to handle.**

Handout or Reference Materials:

1. A study titled: Increase Study For License, Certificate of Use, Fire Inspection, Occupancy Load and Side Walk Café
2. Fax Memo from David Kelsey to Robert Parcher, City Clerk, dated July 3, 2003, RE: July 2nd Commission Meeting / Items # R5E and R5D (Sidewalk Café Fees, Occupational License Fee , Fire Safety Fees, and Certificate of Use fees)

**NEW ITEM: Bond Rating:**

Jorge Gonzalez, City Manager, stated that the City invited the credit agencies from New York to come and evaluate the City in anticipation of the \$62 million bond sale approved at the last City Commission meeting. He explained that after presentations made by Patricia Walker, Chief Financial Officer, Commissioner Smith and other members of the staff, Standard and Poors has notified the City that its bond rating has been upgraded again. He stated that in December 2002 the City's bond rating was upgraded from an A to an A+, this new upgrade takes the City from an A+ to an AA-; this is a more significant increase than the one in December because it places the City in a new category. He stated that this is a significant increase that we should all be proud of the effort from a fiscal perspective. He commended Commissioner Smith by leading the Finance and Citywide Projects Committee and especially Patricia Walker for the way she handles all of the City's financial transactions.

Mayor Dermer stated that this is the second upgrade in six months and with these economic times this is unheard of.

Commissioner Garcia acknowledged Jeryl (Deede) Weithorn, Chairman of the Budget Advisory Committee, who was present in the audience.

Jorge Gonzalez, City Manager, stated, that Moody, the other rating firm, although did not upgrade the City's bond rating, upgraded the City's outlook from "stable" to "positive", so both ratings reflect the fiscal prudence and stability the City has been showing. He explained that this will provide the City with better interest rates when the bond sale takes place.

Commissioner Smith stated that the rating agencies were very impressed with the work that is going on in the City. He stated that other states are having financial difficulties. Miami-Dade County has had to use their reserves at one time, South Miami is having financial difficulties which makes these ratings that much more special. He explained that the New York rating agency really scrutinized the financial condition of the City, reviewed the budget and were very impressed, not only with what is going on now, but also looked into the future. This means that when the City goes out for the bond sale, the interest rates, fees and costs will be less and the insurance rates for those bonds will be cheaper to obtain because of this rating.

**8:01:42 p.m.**

R5F An Ordinance Amending Chapter 30 Of The Miami Beach City Code, Section 30-76(B) Entitled "Mitigation", By Providing That Mitigation Requests Must Be Filed Within One Year Of The Entry Of The Special Master Order Imposing The Fine; By Deleting The Ability Of The City And The Violator To Agree To Allow The Mitigation Request Be Filed After The One Year Period Has Lapsed; And By Deleting The Requirement Of City Commission Approval Of Mitigation In Excess Of \$100,000; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(City Manager's Office)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Gross; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for July 30, 2003. Robert Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Bob Middaugh to handle.

**R6 - Commission Committee Reports**

- R6A Verbal Report Of The Neighborhoods Committee Meeting Of June 30, 2003: **1)** Update Regarding Honoring The Late Assistant City Attorney Larry Levy For His Years Of Dedication And Adoration For Our City; **2)** Update Regarding The Procedural Policy For Noise Violation Enforcement; **3)** Review And Discussion Regarding An Amendment To The City Code Concerning The Distribution Of Handbills And Discussion On Other Quality Of Life Ordinances; **4)** Discussion Regarding The Revised Guidelines For The City Of Miami Beach Multi-Family Housing Rehabilitation Program; **5)** Referral To The Neighborhoods Committee - Discussion Regarding Biscayne Point Canal Cleanup; And **6)** Presentation By A Group Of Concerned Residents Advocating Better Green Space Management In The City.

**ACTION:** Not reached. Lilia Cardillo to place on the July 30 Consent Agenda.

**R7 - Resolutions**

**12:56:40 p.m.**

- R7A A Resolution Authorizing The Use Of Remaining Construction Funding In The Amount Of \$115,000; And Ratifying An Appropriation In The Amount Of \$233,104 From The City Center Redevelopment Agency (RDA) Of The City Of Miami Beach For A Total Of \$348,104 In Order To Complete The Installation Of The Humidification System At The Bass Museum Of Art, To Be Used As Follows: \$174,000 To Fund The Construction Contract; \$27,144 For A Construction Contingency, \$6,960 For JOC-Administration Fees For The Gordian Group, Inc. And \$140,000 To Pay The Costs Of Temporarily Relocating, Storing And Securing Pieces Of Art During The Construction Period. **Joint City Commission And Redevelopment Agency.**  
(Capital Improvement Projects)

**ACTION: Heard in conjunction with RDA Item 3A. Discussion held. Resolution No. 2003-25256 adopted.** Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

**12:44:39 p.m.**

- R7B A Resolution Approving, By 5/7ths Vote, The Renaming Of Island View Park To "Maurice Gibb Memorial Park," Subject To Approval By A Majority Of The Electorate In A Referendum Regarding The Proposed Name Change. **10:30 a.m. Public Hearing**  
(City Manager's Office)

**ACTION:** Public Hearing held. **Resolution No. 2003-25257 adopted.** Motion made by Commissioner Garcia; seconded by Vice-Mayor Bower; Voice vote: 7-0. Mayra Diaz Buttacavoli to handle. Lilia Cardillo to place on July 30 Agenda.

City Clerk's note: for July 30 resolution calling for a Special Election with the specific ballot language.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

**12:45:15 p.m.**

R7C A Resolution Approving, By 5/7ths Vote, The Establishment Of A Memorial Gazebo Structure, To Be Known As The "Maurice Gibb Pavilion," To Be Erected In Island View Park, Located At 18th Street And Purdy Avenue; If Approved, The Design And Construction Of Said Gazebo To Be At The Sole Cost And Expense Of The Gibb Family; Further, If Approved Herein, Forwarding This Proposal To The Art In Public Places Committee For Its Recommendation. **10:31 a.m. Public Hearing.**  
(City Manager's Office)

**ACTION:** Public Hearing held. **Item referred to the Community Affairs Committee.** Motion made by Vice-Mayor Bower to refer to the Community Affairs Committee to decide what will be an appropriate memorial; seconded by Commissioner Gross; Voice vote 6-0; Absent: Commissioner Cruz. Mayra Diaz Buttacavoli to place on the agenda and to handle.

Bob Koskey spoke.

Frank Kruszewski, President of the Sunset Harbor Neighborhood Association, spoke.

Bob Koskey and Frank Kruszewski agreed that instead of the gazebo that a fountain may be nice.

Commissioner Garcia suggested a meditation bench and also suggested that a plaque be placed in memory of Dr. Grossman in front of Fire Station No. 2, and when the station is rebuilt that it be renamed "Dr. Grossman Fire Station."

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

**2:51:43 p.m.****Supplemental Material-Memorandum, Resolution and Agreement:**

R7D A Resolution Ratifying The Attached Agreement As Of June 30, 2003, Between The City Of Miami Beach, The International Association Of Fire Fighters (IAFF) Local 1510, The Miami Beach Fraternal Order Of Police (FOP) William Nichols Lodge No. 8, The Board Of Trustees Of The Miami Beach Firefighters' Relief And Pension Fund, The Board Of Trustees Of The Miami Beach Police Officers' Relief And Pension Fund And The Board Of Trustees Of The City Pension Fund For Firefighters And Police Officers In The City Of Miami Beach For The Benefit Enhancement Of The Firefighters' And Police Officers' Pension Funds, And Ratifying The Execution Of The Agreement By The Mayor, City Clerk, And City Manager As Of June 30, 2003.  
(Human Resources)

**(Memorandum, Resolution And Agreement To Be Submitted In Supplemental)**

**ACTION: Resolution No. 2003-25258 adopted.** Motion made by Commissioner Garcia; seconded by Vice-Mayor Bower; Voice vote: 7-0. T.C. Adderly to handle.

**2:52:29 p.m.**

R7E A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Home Investment Partnerships (HOME) Program Agreement With The Miami Beach Community Development Corporation (MBCDC) Providing \$1,007,473 Of HOME Program Funds From Fiscal Year 2001/02 And Fiscal Year 2002/03 Previously Committed To MBCDC For The Acquisition And Rehabilitation Of The Westchester Apartments, Located At 516 15th Street, Miami Beach, To Provide Twenty-Four (24) Rental Units For Income-Eligible Participants In Accordance With The HOME Program Requirements; Further, Approving A One-Time Only Assignment Of This Agreement To MBCDC: Westchester Apartments, Llc, A Not-For-Profit Entity To Be Created By MBCDC As A Successor In Interest In Title To The Property Located At 516 15th Street, And Under This Agreement. (Neighborhood Services)

**ACTION: Resolution No. 2003-25259 adopted and a referred to the Neighborhoods Committee to review the City's and MBCDC's policy regarding acquiring buildings in better shape and provide more affordable housing.** Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 7-0. Vivian Guzman to place on the Committees agenda and to handle.

Commissioner Gross is concerned with the cost of this project. He would like to provide affordable housing but in a more cost effective way.

**12:42:05 p.m.**

R7F A Resolution Accepting The Recommendation Of The City Manager And Approving The Selection Of SMG, As The Successful Proposer Pursuant To Request For Proposals (RFP) No. 33-02/03, And Further Authorizing The Administration To Enter In to Negotiations With SMG, Subject To Submission Of A Five Year Operational, Marketing And Budgetary Plan, For The Management And Operation Of The Miami Beach Convention Center, The Jackie Gleason Theater Of Performing Arts, And Other Facilities. (City Manager's Office)

**ACTION: Resolution No. 2003-25260 adopted. See Referral.** Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Christina Cuervo to handle.

Commissioner Gross stated that there are some issues which should be negotiated into the contract such as improvements and the establishment of certain benchmarks. He requested referring to the Finance and Citywide Projects Committee what benchmarks are in place, the terms of the contract, incentive, performance goals, etc. **Patricia Walker to place on agenda. Christina Cuervo to handle.**

#### **R9 - New Business and Commission Requests**

R9A Board And Committee Appointments.  
(City Clerk's Office)

**ACTION:**

**Community Relations Board:**

Hymie Einsteing	Term expires 12/31/04	Appointed by Commissioner Gross
Jeannette Egozzi	Ex -Officio member representing the Hispanic Affair Committee	
Barbara Sanchez	Ex -Officio member Police Chief Designee	
Diane Susi	Ex -Officio member representing the MB Commission on Status of Women	

**Committee on Quality Education in Miami Beach:**

May Betancourt

Term expires 12/31/03

Appointed by Commissioner Cruz

Flor Schulz

Representative of the PTA from Treasure Island Elementary Term expires 06/30/04

**2:19:01 p.m.**

R9B(1)

Dr. Stanley Sutnick Citizen's Forum.

(1:30 p.m.)

**ACTION:**

**Milton Montalvo** spoke on things dear to his heart: 1) The democrat candidates do not say anything, 2) there is no supermarket on 5<sup>th</sup> Street yet, 3) he is overjoyed with the Supreme Court decision, and he wants somebody to explain to him how to start an ordinance on the following: a) he wants same gender couples to be able to adopt children, b) he wants a second ordinance to allow same gender couple to be able to get married. He wants Miami Beach to be the first city in the country to allow same gender marriages and he is in favor of light rail transportation.

**Bea Kalstein** wants to know if the South Pointe tax payers were repaid for the money they paid for the Civic Center Redevelopment area.

**Elizabeth Donnelly** made reference to a newspaper article regarding a land give-away in 1993 with a ten year contract with a year renewal and stated that the parking rate for MTV is very unfair. They pay \$15.00 per month/per space and everybody else pays \$1.00 per hour. She wants the parking meters back for MTV to feed the meters. Mayor Dermer stated that he will investigate. **Saul Frances to handle.**

City Clerk's Note: See LTC 158-2003

**Maria Kohry** stated that there are a lot of accidents on 71 Street due to speeding and heavy traffic. She had a petition signed by the neighbors submitted to Lynn Bernstein and to Julio Blanco. She is requesting a traffic light be placed on Rue Vendome and 71 Street or more police enforcement with radar guns. **Chief De Lucca to handle.**

**Jesus Silva** stated that it is hard to get out into the traffic because the cars speed so much his neighbors and he, as taxpayers, are demanding help with the traffic situation. See above.

Commissioner Smith stated that these citizens are correct. He is surprised there have not been more accidents and fatalities the way people speed particularly in the afternoon going west to Miami. He stated that the police with radar guns are always on Pine Tree Dr. and Alton Road, but not on Normandy Drive and 71 St.

Commissioner Garcia stated that the State did a study, but it will be years before something is done by the State. He asked if there is something that could be done now.

Mayor Dermer stated that he will make sure that the Commission makes this a priority and the speed problem will be addressed.

**Louie Smilovich** spoke on a statement made by Sidney Bloome nthal, Advisor to President Clinton on a TV Show, in reference to voting fraud in the year 2000 election, and that during the recount of the votes the supervisor called it off because Enron donated the corporate jet and some people were flown to Miami and disrupted the count. He asks: 1) was the supervisor bribed, 2) was he incompetent and did not call the police, or 3) was the police ordered by the higher authorities not to respond.



**Frank Del Vecchio** asked the Commission to clarify the public confusion of the meeting scheduled for next Monday, July 7, 2003 at 2:00 p.m.

**David Kelsey** stated that the South Beach Hotel and Restaurant Association commented on the Monday, July 7, 2003 at 2:00 p.m. Commission Workshop and the membership has been put on notice of the meeting. Mondays and Fridays are the worst day for businesses to attend meetings. He spoke about the issue of concurrency. He stated that Code Enforcement Officers have been measuring the outdoor seating for restaurants and cafes on Lincoln Road to compare that with what was on the permit and the discrepancies will be billed when the new licenses are issued. He explained that they do not have a problem with that, but they have a problem with having to pay concurrency fees on the difference. He requested the Administration fully brief the Commission on this issue. Are businesses being billed retroactively for the concurrency fees because of the changes in the sidewalk café ordinance?

Jorge Gonzalez, City Manager, stated that members of the Administration are going store by store on Lincoln Road to notify them of how much space they are authorized to use, how much they are actually using, and giving the stores the opportunity to revert back to the space they are authorized to use or to expand legitimately, based on fixture counts and seats they can accommodate. If the increase in chairs fee triggers concurrency, as of today, they would have to pay the increment. It is not retroactive, only prospective. The Administration is interested in holding discussion on how to mitigate the concurrency element legally. This is on the table. He stated that the seating is driven by the new Building Code which requires certain fixture counts tied to the occupancy of the property.

**Clotilde Luce** stated that the Beach Preservation Committee issued a resolution to request that the City Commission approves hiring a person to check the beach, specifically concessions and special events. She passed photos of the conditions of the beach to show that many of the concerns have not been addressed and there is no before and after improvement of the beach despite of the guidelines that were set forth.

Handout or Reference Materials:

1. Speakers List
2. Document submitted by Clotilde Luce titled: Beach Preservation Committee meeting 7/17/03 questions for Miss Cuervo
3. Letter from Yliana Hernandez to Lynn Bernstein, Community Resource Manager, North Beach, dated May 18, 2003, RE: Residents Request for traffic light
4. Letter submitted by Frank Del Vecchio to Mayor and Commissioners, dated July 1, 2003, RE: Objection to postponement of the July 7 advertised Commission workshop dealing with outdoor entertainment and noise issues.
5. Letter submitted by Ms. Donnelly - letter addressed to Mr. Dwight Tierney, Senior Vice President, MTV,

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

**ACTION:**

**Stuart Reed** spoke on campaign fairness and improvements for public spaces. He stated that the City Commissioners are provided space on the City's website which gives them an unfair advantage. He stated that the information on the website looks like campaign material; therefore, he requests space in the City's website for himself and other candidates. He also stated that it is not fair for City staff to assist the Commissioners with the City's website or assist in campaigns. He requested an opinion on the usage of the website.

Commissioner Garcia stated that his City staff does not work on his reelection campaign and explained how his web site is used. He stated that if Mr. Reed has a problem, he is welcome to contact the Ethics Commission.

Stuart Reed requested an opinion on the usage of the website. If a Commissioner gets web space, then a candidate should get the same consideration. He also stated that he attended the workshop on the design of the bay walk in the Alaska Parcel. He stated that he visited the Alaska Parcel and found a 10-foot wide line of plants that completely block access to the water. The plants will also block views. He requested a professional sketch. He spoke about the flyover issue and stated that if the flyover is removed it will create traffic backups. The intersection is a failure to pedestrians. The fire station is waterfront property, which is the most valuable in the City. The fire station should be moved to another location.

**Dr. Barry Regona** spoke on the traffic-calming islands on La Gorce Dr. He stated that not much has been done but there is very little traffic on La Gorce Drive. He stated that he gets regular e-mails from the Police Department informing him as to what is going on and he appreciates it. In reference to the flyover, he agrees with Commissioner Garcia that something needs to be done north of Miami Beach maybe in conjunction with other communities such as Surfside.

Commissioner Steinberg stated that the City has hired a consult to do the research. He requested a copy of the video of the item on the flyover from Ron Francis, Media Specialist, to send it to FDOT. Commissioner Smith suggested that Commissioner Steinberg contact Jose Abreu, District VI, Director, FDOT.

**Jonathan Beloff** stated that there has been community input, study groups, FDOT and workgroups in reference to the flyover. He requested this Commission to take some action because the public cannot afford to go through another Commission with this unresolved.

7:46:58 p.m.

R9C Discussion Regarding The Status Report Of The General Obligation Bond Funded Project For The Rehabilitation Of Fire Station No. 4  
(Capital Improvement Projects)

**ACTION: Discussion held. Resolution No. 2003-25261 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Smith; Voice vote 7-0.

Jorge Gonzalez, City Manager, stated that the last direction received relevant to Fire Station No. 4 was that, once the City received the cost estimates for the relocation part of the project, to bring it back to the Commission. He stated that the cost estimates are far greater than originally anticipated and a policy decision needs to be made as to how to proceed.

Tim Hemstreet, Capital Improvement Director, stated that the original estimate for the relocation was \$505,000 and the current amount is \$700,000, but when the other items such as contingencies, repairs to the structure

after it is moved and taking into consideration short falls for Station No. 2, the total is estimated to be \$940,000.

Mayor Dermer stated that Michael Kinerk, Chairman of the Miami Design Preservation League, and Mitch Novick, Historic Preservation Board, should be contacted. He stated that the additional cost is a bit much and it would be good policy to do the demolition with the caveat that these numbers and the engineering are accurate.

Commissioner Garcia stated that now the City has the opportunity to have a nice fire station and a nice open space park by the water.

Jorge Gonzalez, City Manager, explained that because this is a City Project, the Historic Preservation Board acts as an advisor to the City Commission, with the Commission having the ultimate decision. The process is to go back to the Historic Preservation Board for their September meeting for a Certificate of Appropriateness and they will review the revised site plans. The issue will come back to the City Commission for a decision.

Tim Hemstreet, Capital Improvement Director, stated that the item would probably come back to the City Commission in late October.

Mayor Dermer stated that it would be great if the Historic Preservation Board will hold a special meeting for this and the City Commission would not mind having a Special City Commission meeting if necessary.

Commissioner Smith stated that there may be extra money. Now that the City is saving the costs of moving the building, this money could be used to addressing the Fire Department's issues such as the size of the facility, etc.

Jorge Gonzalez, City Manager, stated that those funds will be routed back to Fire Station 4, and if modifications need to be made it will come out of those funds.

Commissioner Gross stated just to reiterate what was driving the schedule was to move the old building first, now if the City ends up not doing that, the City is on schedule to do what it was planning to do anyway. He agreed that all the fire department changes can be incorporated and there will not be a further delay to the process of the drawings.

Commissioner Gross moved the item and Mayor Dermer said that a motion was not necessary.

Jorge Gonzalez, City Manager, stated that it would be best to have a resolution addressing that the last policy direction was for the City to continue doing what it was doing.

Mayor Dermer asked that every one handled this process as fast as possible.

**7:55:00 p.m.**

**Supplemental Material - Resolution**

R9D Discussion Regarding A Resolution Urging An Immediate And Comprehensive Forensic Audit Of The Miami-Dade County Public School Capital Construction Program.

(Requested By Commissioner Luis R. Garcia, Jr.)

**ACTION: Discussion held. Item referred.** Motion made by Commissioner Steinberg to refer the item to the Committee for Quality of Education in Miami Beach; seconded by Vice-Mayor Bower; Voice vote: 6-1; Opposed: Commissioner Garcia. Maria Ruiz to place on he Committee Agenda.

R9E Discussion Regarding Washington Square Park.  
(Requested By Vice-Mayor Matti Herrera Bower)

**ACTION: Item deferred by Vice-Mayor Bower. Lila Cardillo to place on July 30 Agenda.**

**7:06:15 p.m.**

**Supplemental Material - Resolution**

R9F Discussion Of A Resolution Regarding Engaging HNTB Consultant Services For Further Study And Analysis Of The Removal Of The 63rd Street Flyover.  
(Requested By Commissioner Richard L. Steinberg)

**ACTION:** Discussion held. **Resolution No. 2003-25262 adopted as amended.** Motion made by Commissioner Steinberg to extend the scope of services of the corridor up to 71st St. and to analyze what else could be done in the area with a Joint Participation Reimbursement Agreement (JPA) that FDOT pay for the study and the City of Miami Beach manage it; seconded by Commissioner Smith; Voice vote: 6-0; Absent Commissioner Cruz. Fred Beckmann to handle.

Javier Rodriguez from FDOT spoke.

**First Motion:**

Motion made by Commissioner Steinberg to direct FDOT to go ahead with the scope of services that was previously prescribed for HNTB with the addition of the corridor up to 71 Street, to analyze what else could be done in the area and stated that he will be happy to serve as the City Liaison; seconded by Commissioner Smith; Voice vote: 7-0.

Commissioner Garcia requested to include the review of the Fire Department Rules and Regulations in reference to the use of the Flyover by fire trucks; the current overpass is too narrow for fire trucks.

Commissioner Gross stated that there will be a workshop when the plans are worked out.

Minnette Benson spoke.

Ted Berman spoke.

Michael Rotbart spoke.

Maritza Ashenbaum-Lenon spoke.

Bea Kalstein spoke.

Commissioner Gross asked Mr. Javier Rodriguez from FDOT if it would be a problem to have a set of the 90% construction plans from FDOT available for citizen's review. **Fred Beckmann to handle.**

Javier Rodriguez from FDOT responded "not at all."

Jorge Gonzalez, City Manager, clarified that the City is getting a copy of the plans and is not having a workshop. He stated that at the appropriate time when there is a Mitigation of Traffic (MOT) to discuss and plans that need to be brought out then the City will have a workshop. He further clarified that there is no workshop promised except for the one to discuss the MOT when the plans are at 90% completion.

**Second Motion:**

Motion made by Commissioner Steinberg to reconsider the previous motion. He stated that it would be foolish for the City not to spend \$14,000 for the study and not have a cloud over it and then the City will go to FDOT

with the results, since some of the citizens are concerned with FDOT doing the study.

Jorge Gonzalez, City Manager, suggested a Joint Participation Reimbursement Agreement (JPA) with FDOT funding the study and allowing the City to manage it.

Javier Rodriguez from FDOT responded "yes" that FDOT will pay for the study and the City will manage it.

**Third and Final Motion:**

Motion made by Commissioner Steinberg to extend the scope of services of the corridor up to 71st St. and to analyze what else could be done in the area with the JPA that FDOT will pay for the study and the City of Miami Beach will manage it; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz.

**Handout or Reference Materials:**

1. Letter from Richard L. Steinberg, Commissioner, to Mr. John Martinez, District Six Secretary, Florida Department of Transportation, FDOT, dated July 1, 2003, RE: 63re Street/Indian Creek Drive Intersection.

**11:12:51 a.m.**

**ADDENDUM ITEM:**

- R9G Discussion Regarding A Status Report On Miami Beach's Role In The Upcoming FTAA Ministerial.  
(Requested By Commissioner Luis R. Garcia, Jr.)

**ACTION: Discussion held. Item referred to the Finance and Citywide Projects Committee.**

Patricia Walker to place on the Committee Agenda and to handle.

**ACTION:** Motion made by Commissioner Smith to add, by 5/7 vote, items R9G as emergency items to the agenda; seconded by Commissioner Garcia; Voice vote: 7-0.

J.A. "Tony" Ojeda, Jr., Executive Director, International Trade Consortium (ITC), spoke. He requested a memorandum of understanding from the City of Miami Beach that will bring together the municipalities, Miami-Dade County and the State of Florida in planning, developing and coordinating the activities of the 8<sup>th</sup> Ministerial of the Hemisphere, which is a meeting of 34 ministers of trades that will take place in Miami on November 19-21, 2003. This memorandum of understanding will make the City of Miami Beach a full participant on the event, with a financial contribution from the City of Miami Beach of approximately \$45,000. This amount is in addition to expenses being incurred by the City during the event for police contribution. He stated that security is an issue with a cost of approximately \$11 millions. He stated that they are requesting financial support from the federal government in the amount of \$7 millions to cover the police costs. The City's contribution will be to support the activities of the event and not for police costs.

Jorge Gonzalez, City Manager, stated that routinely the City of Miami Beach requests collaborate police efforts from the County and the City of Miami under the mutual aids agreement. He stated that if the Commission approves this agreement he will look for appropriate sources of income for the \$45,000. He explained that he may look into the VCA for a portion of it, or other unallocated resort tax funds, with these two sources of funds the expense has to be tourist related.

J.A. "Tony" Ojeda, Jr., Executive Director, International Trade Consortium (ITC), stated that by entering into this agreement, the City of Miami Beach will become a member of the organizing committee; the City will be represented with a member of the Commission or the City Manager at the Board of Directors and will have a voice organizing the affair.

Mayor Dermer instructed the Administration to provide a possible revenue source for this contribution at the next Commission meeting for the Commission to vote on it, and in the meantime, refer the item to the Finance

8:22:13 p.m.

**ADDENDUM ITEM:**

R9H Discussion And Acceptance Of The Recommendations Of The Charter Review And Revision Board's First Deliberation Concerning Amendments To The City Charter And The Related Special Acts.  
(City Clerk's Office)

**ACTION: Discussion held.**

**ACTION:** Motion made by Commissioner Smith to add, by 5/7 vote, items R9H as an emergency item to the agenda; seconded by Commissioner Steinberg; Voice vote: 6 0; Absent: Commissioner Cruz.

Jonathan Beloff, Vice-Chair of the Charter Review and Revision Board, spoke.

Jean Olin, Deputy City Attorney, explained the process.

**I. BILL OF RIGHTS**

**A) Diversity - (Agenda Item I (A))** Add language expressing citizens' right to be free of all forms of discrimination, including that based upon sexual orientation.

Motion made by Vice-Mayor Bower to approve the recommendation of the Charter Review Board and to place on the ballot for the November 4, 2003 election; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commission Cruz. Language pending review by the Legal Department and the Charter Review Board.

Commission Gross stated that the City Commission should look at the items being recommended and determine if the November ballot is the best ballot for the items. He stated that he would like to affirm those items that the Commission agrees with, but not putting the item on a specific ballot.

Mayor Dermer stated that that decision can be made at the July 30 Commission Meeting.

Steve Zack, Chairman of the Charter Review Board, gave an opening statement and then presented the remainder of the items.

**B. Natural resources and scenic beauty - (Agenda Item I (B))** "It shall be the policy of the City of Miami Beach to conserve and protect its natural resources and scenic beauty, which policy shall include the abatement of air and water pollution and of excessive and unnecessary noise for the conservation and protection of natural resources".

Motion made by Vice-Mayor Bower to approve the recommendation of the Charter Review Board and to place on the ballot for the November 4, 2003 election; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commission Cruz.

**C. Attorney's Fees (Agenda Item I (C))** "Remedies for violations":

"In any suit by a citizen alleging a violation of this CITIZENS' BILL OF RIGHTS filed in the Dade County circuit court pursuant to its general equity jurisdiction, the plaintiff, if successful, shall be entitled to recover costs and attorneys' fees as fixed by the court. ...".

Motion made by Commissioner Smith to table this issue; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commission Cruz.

There was discussion regarding lawsuits against the City that are harassment cases or have no merit. The City Attorney's Office should provide some possible situations that could occur.

## II. CITY CHARTER

### A. Election Reform

**Agenda Item 2 - Residency Requirement:** Amend Section 6.03 to require that candidates for elected office in the City of Miami Beach reside in the City for at least one year prior to qualifying for office.

Motion made by Commissioner Gross to approve the recommendation of the Charter Review Board and to place on the ballot for the November 4, 2003 election; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz.

**Agenda Item 1 - Runoff Election** Amend Section 2.01 to change runoff election date from one week after the general election to two weeks after the general election.

Motion made by Commissioner Steinberg to approve the recommendation of the Charter Review Board and to place on the ballot for the November 4, 2003 election and to look at moving the qualifying date up by perhaps a month [to August]; seconded by Vice-Mayor Bower; Voice vote: 6-0; Absent: Commission Cruz.

Commissioner Gross asked about moving the qualifying date to be earlier than September. He requested the Charter Review Board to address this issue.

City Clerk's note: Earlier being perhaps sometime in August.

### D. City Manager/Administrative Changes

**Agenda Item 1** - Amend Charter section 4.02 entitled: "City Manager", subsection (i) "Functions and powers" as follows: "...to negotiate all contracts and agreements in which the City is a party subject to the approval of the ~~City Attorney and~~ City Commission."

Motion made by Commissioner Gross to approve the recommendation of the Charter Review Board and to place on the ballot for the November 4, 2003 election; seconded by Vice-Mayor Bower; Voice vote: 6-0; Absent: Commission Cruz.

**Agenda Item 2** - Amend Charter Article V regarding "Budget and Finance" by adding language that would require the Mayor and City Commission when adopting resolutions and allocating funds to consider the long term economic impact (at least 5 years) at a threshold level to be determined (as a percentage of budget).

Motion made by Vice-Mayor Bower to approve the recommendation of the Charter Review Board and to place on the ballot for the November 4, 2003 election; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commission Cruz.

**C. Form of Government/Commission Powers -**

Amend the following language in paragraph 3 of Charter section 2.03 entitled: "Powers of the City Commission":

"The Commission may also investigate the official acts and conduct of any City official, and by similar investigations may secure information upon any matter. In conducting such investigation, the Commission may require the attendance of witnesses and the productions of books, papers and other evidence, ~~and for that purpose may upon a five-sevenths (5/7) votes, issue subpoenas which shall be signed by the Mayor.~~"

Board Member, Abraham Laeser, spoke on this issue.

Motion made by Commissioner Steinberg to approve the recommendation of the Charter Review Board and to place on the ballot for the November 4, 2003 election; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commission Cruz.

**B. Zoning Reform -** Amend Charter Section 1.03 (b) entitled: "Alienability of Property" by expanding said section's referendum requirement to all city-owned property, deleting all exemptions except those for educational facilities and utility easements, and increasing the period of long-term leases exempt from referendum from five years to ten-years.

Motion made by Vice-Mayor Bower to approve the recommendation of the Charter Review Board and to place on the ballot for the November 4, 2003 election; No seconded offered and discussion continued.

Commissioner Steinberg referenced the "Shapiro Ordinance" and requested the CRB review the ordinance to see if some of the ordinances language should be placed in the City Charter.

Commissioner Smith suggested making it a 5/7 vote; thereby, creating more protections.

Motion made by Commission Steinberg to refer this back to study and specifically requested that the Board review the "Shapiro Ordinance", and changing from 4/7<sup>th</sup> vote to 5/7<sup>th</sup> on City land transactions; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz.

**III. RELATED SPECIAL ACTS**

**A) Zoning Board of Adjustment -** Amend Related Special Acts, section 2, regarding "Zoning Board of Adjustment" by:

- ~~deleting~~ reference to two (2) non-voting ex-officio members, and instead establishing said two (2) members as regular, voting members appointed by the City Commission;
- ~~decreasing~~ number of City Commission votes required for appointment of Board members from 5/7<sup>th</sup> vote of Commission to 4/7<sup>th</sup> vote ; and
- increasing number of Board votes required for action from 4/5<sup>th</sup> vote of Board to 5/7<sup>th</sup> vote.

Motion made by Commissioner Smith to approve the recommendation of the Charter Review Board and to place on the ballot for the November 4, 2003 election; seconded by Vice-Mayor Bower; Voice vote: 5-0; Absent: Commissioners Cruz and Gross.

Vice-Mayor Bower spoke against appointing members to the board by 4/7<sup>th</sup> vote.

Commissioner Steinberg agreed with Vice-Mayor Bower.

Motion made by Vice-Mayor Bower to reconsider; seconded by Commissioner Steinberg; Voice vote: 5-0;



Absent: Commissioners Cruz and Gross.

Discussion was held relative to decreasing the number of City Commission votes required for appointment of Board members from 5/7<sup>th</sup> vote of Commission to 4/7<sup>th</sup> vote.

The issue was left that a resolution should be placed on the July 30 agenda with the number of votes needed to appoint members to the board being left blank. **Legal to handle.**

- B) Article II "Public Library"** The Charter Review Board has adopted administrative recommendations in proposing deletion of this Article as unnecessary due to the City's existing subject interlocal agreement.

Motion made by Vice-Mayor Bower to approve the recommendation of the Charter Review Board and to place on the ballot for the November 4, 2003 election; seconded by Commissioner Smith Voice vote: 5-0; Absent: Commissioners Cruz and Gross.

- C) Article III "Municipal Projects"** - The Charter Review Board has adopted administrative recommendations in proposing that this Article be deleted as it is redundant and unnecessary.

Motion made by Vice-Mayor Bower to approve the recommendation of the Charter Review Board and to place on the ballot for the November 4, 2003 election; seconded by Commissioner Smith Voice vote: 5-0; Absent: Commissioners Cruz and Gross.

Steve Zack, Chairman of the Charter Review Board, stated that there are three (3) dates which the City Commission need to be aware of. One is March 9, 2004, August 31, 2004, and November 2, 2004. These are all countywide elections and can be used to place issues, if necessary, on a ballot. There are additional matters coming before the CRB on July 22 that are important. There are additional items to discuss such as: adding to the Preamble that all citizens be treated with dignity and respect when coming before the City. There is a move to increase the mayor's term from 2 years to 4 years, to increase the salary of the mayor and commissioners and at the same time, prohibit lobbying for a longer period of time; to change the election to even year and change the FAR. There are also some Union issues to be discussed, telephonic participation in meetings will be discussed; however, the Legal Department will have to request an opinion from the Attorney General, and finally, if the City Commission will determine if it wants to make the Charter Review Committee a standing committee.

Mayor Dermer thanked the Charter Review Board for their work.

Mayor Dermer congratulated Jean Olin, Esq. on becoming certified by the Florida Bar on city, county and local government law.

**R10 - City Attorney Reports****R10A Notice Of Closed Executive Session.**

Pursuant To Section 286.011, Florida Statutes, Closed Executive Sessions Will Be Held During Lunch Recess Of The City Commission Meetings On July 2, 2003 And July 30, 2003 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Pending Litigation On The Following Cases:

West Side Partners, Ltd., A Florida Limited Partnership; East Coastline Development, Ltd., A Florida Limited Partnership; 404 Investments, Ltd., A Florida Limited Partnership; Azure Coast Development, Ltd., A Florida Limited Partnership; Beachwalk Development Corporation, A Florida Corporation; Portofino Real Estate Fund, Ltd., A Florida Limited Partnership; St. Tropez Real Estate Fund, Ltd., A Florida Limited Partnership; And Sun & Fun, Inc., A Florida Corporation, Vs. City Of Miami Beach, A Florida Municipal Corporation . Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA -30.

East Coastline Development, Ltd., A Florida Limited Partnership Vs. City Of Miami Beach, A Florida Municipal Corporation . Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-26231 CA 32 (Removed To US Dist. Court, So. Dist. Of Fla. Case No. 01-4921 CIV -MORENO)

East Coastline Development, Ltd., A Florida Limited Partnership, And Catherine F. Colonnese, A Registered Voter In The City Of Miami Beach, Florida, Vs. City Of Miami Beach, A Florida Municipal Corporation . Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30 (On Appeal In Third District Court Of Appeal Case No. 3DOI-3350)

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald M. Papy, De puty City Attorney Jean Olin, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held, Special Counsels Richard Ovelmen And Dan Paul.

**ACTION: Announced and held.**

**Reports and Informational Items****A Parking Status Report.**

(Parking Department)

**ACTION: Written report submitted.**

**B Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.  
(Capital Improvement Projects)**

**ACTION: Written report submitted.**

- C      Informational Report To The Mayor And City Commission, On Federal, State, Miami -Dade County, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.  
(Procurement)

**ACTION: Written report submitted.**

- D      Public Hearings Before The Planning Board For The Regular Meetings Of January 28, February 25, March 25, April 29 And May 27, 2003.

**ACTION: Written report submitted.**

**End of Regular Agenda**

**Miami Beach Redevelopment Agency  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
July 2, 2003**

Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz  
Member of the Board Luis R. Garcia, Jr.  
Member of the Board Saul Gross  
Member of the Board Jose Smith  
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez  
Assistant Director Christina M. Cuervo  
Assistant Director Mayra Diaz Buttacavoli  
General Counsel Murray H. Dubbin  
Secretary Robert E. Parcher

**AGENDA**

1. ROLL CALL

2. OLD BUSINESS

A Report of the Itemized Revenues and Expenditures of the Miami Beach Redevelopment Agency for the Month of May 2003.

**ACTION: Written report submitted.**

**12:42:12 p.m.**

3 NEW BUSINESS

A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Appropriating Funds In The Amount Of \$233,104 From The City Center Redevelopment Agency Tax Increment Fund; In Order To Complete The Installation Of The Humidification System At The Bass Museum Of Art, These Funds Will Be Combined With \$115,000 Of Remaining Construction Funds, For A Total Of \$348,104, To Be Used As Follows: \$174,000 To Fund The Construction Contract; \$27,144 For A Construction Contingency, \$6,960 For JOC-Administration Fees For The Gordian Group, Inc. And \$140,000 To Pay The Costs Of Temporarily Relocating, Storing And Securing Pieces Of Art During The Construction Period. **Joint City Commission And Redevelopment Agency.**

**ACTION: Heard in conjunction with Item R7A. Discussion held. Resolution No. 455-2003 adopted.** Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Voice vote: 7-0; Absent Commissioner Cruz. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

**End of RDA Agenda**

**Meeting adjourned at 9:18:24 p.m.**